

**Award**  
**NASD Dispute Resolution**

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In the Matter of the Arbitration Between:

Georgia Braverman, Claimant v. Jerry Slusiewicz and Union Bank of California Investment Services, Inc., Respondents

Case Number: 00-05132

Hearing Site: Los Angeles, California

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**REPRESENTATION OF PARTIES**

For Claimant:

Edward W. Russey, III, Esq.  
Oswald & Yap  
Irvine, California

For Respondents:

Todd Atkins, Esq.  
Keesal, Young & Logan  
Long Beach, California

**CASE INFORMATION**

Statement of Claim filed: November 7, 2000

Amended Statement of Claim filed: May 30, 2001

Claimant's Uniform Submission Agreement signed: November 10, 2000

Joint Statement of Answer filed by Respondents: January 16, 2001

Respondent Jerry Slusiewicz's Uniform Submission Agreement signed: January 23, 2001

Respondent Union Bank of California Investment Services, Inc.'s Uniform Submission Agreement signed: February 28, 2001

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### CASE SUMMARY

Claimant alleged breach of contract, breach of fiduciary duty, misrepresentation, omission of facts, negligence, emotional distress, and unsuitability, involving mutual funds.

Respondents denied the allegations of wrongdoing set forth in the Claimant's Statement of Claim.

### RELIEF REQUESTED

Claimant requested \$1,000,000.00 in combined actual and punitive damages, pre-judgment interest, and costs.

Respondents requested dismissal of the Claimant's Statement of Claim in its entirety and requested reimbursement of arbitration fees and costs.

### OTHER ISSUES CONSIDERED AND DECIDED

At the hearing, Respondents brought a motion to dismiss claims relating to the Franklin California Tax-Free Fund. The Panel granted Claimant leave to file a post-hearing opposition to the motion to dismiss. The Panel ruled that the motion is moot in light of the Award below.

The parties agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered.

### AWARD

After considering the pleadings, testimony, evidence presented at the hearing, and the post-hearing submissions, the Panel decided in full and final resolution of the issues submitted for determination as follows:

1. Claimant's claims are denied in their entirety.
2. The parties shall bear their respective costs, including attorneys' fees.
3. All other relief not expressly granted is denied.

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### FEES

Pursuant to the Code, the following fees are assessed:

#### Filing Fees

NASD Dispute Resolution, Inc. received or will collect the non-refundable filing fees for each claim as follows:

Initial claim filing fee = \$ 375.00

#### Member Fees

Member fees are assessed to each member firm that is either a party in the matter or an employer of a respondent associated person at the time of the events which gave rise to the dispute, claim, or controversy. Accordingly, the member firm Union Bank of California Investment Services, Inc. is a party and the following fees are assessed:

Member Surcharge	= \$ 2,000.00
Pre-Hearing Process Fee	= \$ 600.00
Hearing Process Fee	= \$ 3,500.00
<b>Total Member Fees</b>	<b>= \$ 6,100.00</b>

#### Adjournment Fees

The following adjournment fees are assessed:

February 5 through 8, 2002 adjournment requested by Claimant = \$ 1,200.00

#### Forum Fees and Assessments

The Panel assessed a forum fee for each pre-hearing conference or hearing session conducted. A pre-hearing conference and hearing session is any meeting between the parties and the Panel. The following fees are assessed:

1 Pre-hearing conference session with the Panel @ \$1,200.00/session	= \$ 1,200.00
Pre-hearing conferences: September 6, 2001 1 session	
6 Hearing sessions @ \$1,200.00/session	= \$ 7,200.00
Hearings: June 11, 2002 2 sessions	
June 12, 2002 2 sessions	
June 13, 2002 2 sessions	

**Total Forum Fees = \$ 8,400.00**

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1. The Panel assessed \$ 4,200.00 of the forum fees to Claimant.
2. The Panel assessed \$ 4,200.00 of the forum fees jointly and severally to Respondents Jerry Slusiewicz and Union Bank of California Investment Services, Inc.

**Fee Summary**

1. Claimant, Jerry Slusiewicz, is charged with the following fees and costs:

Initial Filing Fee	= \$ 375.00
Adjournment Fee	= \$ 1,200.00
Forum Fees	= \$ 4,200.00
Total Fees	= \$ 5,775.00
Less payments	= \$ (1,575.00)
Balance Due NASD Dispute Resolution, Inc.	= \$ 4,200.00

2. Respondent, Union Bank of California Investment Services, Inc., is charged with the following fees and costs:

Member Fees	= \$ 6,100.00
Total Fees	= \$ 6,100.00
Less payments	= \$ (6,100.00)
Balance Due NASD Dispute Resolution, Inc.	= \$ 0.00

3. Respondents, Jerry Slusiewicz and Union Bank of California Investment Services, Inc., are charged jointly and severally with the following fees and costs:

Forum Fees	= \$ 4,200.00
Balance Due NASD Dispute Resolution, Inc.	= \$ 4,200.00

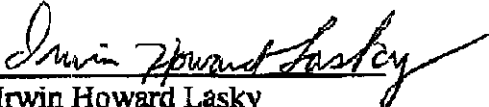
All balances are payable to NASD Dispute Resolution, Inc. and are due upon the receipt of the Award pursuant to Rule 10330(g) of the Code.

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**ARBITRATION PANEL**

Irwin Howard Lasky	-	Public Arbitrator, Presiding Chair
Charles Bloomfield	-	Public Arbitrator
Robert D. Sussin, Esq.	-	Non-Public Arbitrator

**Concurring Arbitrators' Signatures**

  
Irwin Howard Lasky  
Chair, Public Arbitrator

7-5-02  
Signature Date

Charles Bloomfield  
Public Arbitrator

Signature Date

Robert D. Sussin, Esq.  
Non-Public Arbitrator

Signature Date

July 9, 2002  
Date of Service

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**ARBITRATION PANEL**

Irwin Howard Lasky	•	Public Arbitrator, Presiding Chair
Charles Bloomfield	•	Public Arbitrator
Robert D. Sussin, Esq.	•	Non-Public Arbitrator


**Concurring Arbitrators' Signatures**

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Irwin Howard Lasky  
Chair, Public Arbitrator

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Signature Date

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Charles Bloomfield  
Public Arbitrator

\_\_\_\_\_  
Signature Date

  
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Robert D. Sussin, Esq.  
Non-Public Arbitrator

07/03/02  
Signature Date

July 9, 2002  
Date of Service

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**ARBITRATION PANEL**

Irwin Howard Laskey	-	Public Arbitrator, Presiding Chair
Charles Bloomfield	-	Public Arbitrator
Robert D. Sussin, Esq.	-	Non-Public Arbitrator

**Concurring Arbitrators' Signatures**

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Irwin Howard Laskey  
Chair, Public Arbitrator

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Signature Date

  
\_\_\_\_\_  
Charles Bloomfield  
Public Arbitrator

7/12/02  
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Signature Date

\_\_\_\_\_  
Robert D. Sussin, Esq.  
Non-Public Arbitrator

\_\_\_\_\_  
Signature Date

7/24/02  
\_\_\_\_\_  
Date of Service